

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**[PROPOSED] ORDER ON TRUSTEE'S EIGHTH OMNIBUS MOTION TO  
OVERRULE OBJECTIONS OF CLAIMANTS WHO INVESTED  
MORE THAN THEY WITHDREW**

Upon consideration of the motion (the “Motion”) (ECF No. 15912), by Irving H. Picard, trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the estate of Bernard L. Madoff (“Madoff”) (collectively, “Debtor”), in the above-captioned SIPA liquidation proceeding seeking to have the Court overrule objections filed by or on behalf of claimants (“Claimants”) that withdrew less money from BLMIS than they deposited and are, in the parlance of this case, net losers, and affirm the Trustee’s Claims determinations;<sup>1</sup> and the Claims determinations to be affirmed and Objections to be overruled are identified in Exhibit A to the Declaration of Vineet Sehgal (the “Sehgal Declaration”), attached to the Motion as Exhibit A; and due and proper notice of the

<sup>1</sup> All capitalized terms not defined herein shall have the meaning ascribed in the Motion.

Motion having been given and it appearing that no other or further notice need be provided; and the Trustee having filed a certificate of no objection representing that no objection has been received and that no party has indicated to the Trustee that it intends to oppose the relief requested in the Motion; and the Court having found and determined that the relief sought in the Motion as set forth herein is in the best interests of the Debtor, its estate, creditors, and all parties in interest; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED** that the relief requested in the Motion is granted to the extent provided herein; and it is further

**ORDERED** that the Trustee's Claims determinations listed on Exhibit A hereto under the heading "Claims and Objections to be Finally Determined and Overruled", are affirmed; and it is further

**ORDERED** that the Objections listed on Exhibit A hereto under the heading "Claims and Objections to be Finally Determined and Overruled", are overruled; and it is further

**ORDERED** that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: \_\_\_\_\_, 2017  
New York, New York

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HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE

**IN RE: BLMIS. CASE NO: 08-01789 (SMB)**

**EIGHTH OMNIBUS MOTION: EXHIBIT A – CLAIMS AND OBJECTIONS TO BE FINALLY DETERMINED AND OVERRULED**

Objection Party	Claim Number	Objection To Determination Docket Number	Counsel	Account Name	Account Number
Allyne Schwartz 2008 Grantor Retained Annuity Trust	004598	1035	Bradley E. Turk, Esq.	Allyne Schwartz 2008 Grantor Retained Annuity Trust	1S0553
Denise Saul	006132	346	Schulte Roth & Zabel LLP	Denise Saul	1S0221
Jonathan Schwartz	002928	3041	Becker & Poliakoff, LLP	Millennium Trust Company, LLC FBO Jonathan Schwartz (84433)	1ZR040
Jonathan Schwartz	005186	3041	Becker & Poliakoff, LLP	Millennium Trust Company, LLC FBO Jonathan Schwartz (84433)	1ZR040
Jonathan Schwartz	010158	3041	Becker & Poliakoff, LLP	Millennium Trust Company, LLC FBO Jonathan Schwartz (84433)	1ZR040
NTC & CO. FBO Donald A Benjamin	000980	291	Pro Se Filing	Millennium Trust Company, LLC FBO Donald A Benjamin 46353	1CM402
NTC & CO. FBO Donald A Benjamin	000980	295	Phillips Nizer LLP	Millennium Trust Company, LLC FBO Donald A Benjamin 46353	1CM402
NTC & CO. FBO Donald A Benjamin	100120	291	Pro Se Filing	Millennium Trust Company, LLC FBO Donald A Benjamin 46353	1CM402
NTC & CO. FBO Donald A Benjamin	100120	295	Phillips Nizer LLP	Millennium Trust Company, LLC FBO Donald A Benjamin 46353	1CM402
NTC & CO. FBO Donald A Benjamin	100135	291	Pro Se Filing	Millennium Trust Company, LLC FBO Donald A Benjamin 46353	1CM402
NTC & CO. FBO Donald A Benjamin	100135	295	Phillips Nizer LLP	Millennium Trust Company, LLC FBO Donald A Benjamin 46353	1CM402
The Calesa Family Trust	006665 <sup>1</sup>	1234	Latham & Watkins LLP	Edward F Calesa Tsee Calesa Family Trust 7/6/00	1CM942
The Donald Rechler & Judith Rechler Grandchildren Annual Exclusion Trust	008938	3091	Becker & Poliakoff, LLP	Donald Rechler & Judith Rechler Grandchildren	1R0176
Theresa Rose Ryan	000814	429	Phillips Nizer LLP	Millennium Trust Company, LLC FBO Theresa Rose Ryan (26632)	1ZR039

<sup>1</sup> The Calesa Family Trust filed a partial withdrawal (Docket 2258) with respect to their objection, reserving their rights only with respect to the Trustees interpretation of net equity.